

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.:	004770.00030
Akseli Anttila et al.		
Patent No.:	Group Art Unit:	3713
Issued:	Examiner:	Nguyen, Kim T.
For:	Confirmation No.:	6410
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APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

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Commissioner for Patents
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Sir:

Applicant respectfully applies and/or petitions for reconsideration under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b) of the patent term adjustment indicated on the face of the above-identified patent ("Patent").

The Patent indicates a term adjustment of 675 days. However, Applicant respectfully submits that such a determination is not correct under 37 C.F.R. 1.702-1.705 and that the proper term adjustment in this case should be calculated as the sum of (1) number of days the pendency of the application beyond three years plus (2) the number of days after 14 months of initial filing that it took for the first office action to be mailed.

Statement of Pertinent Facts

1. The application was filed on December 18, 2003. Adjustment date: 11/14/2008 CKHLOK 10017382
00001272 190733
01 FC:1455 200.00 CR
2. Fourteen (14) months after filing the application was February 18, 2003.

3. The first office action was mailed January 30, 2004.
4. The date three years after filing was December 18, 2004
5. The Patent issued on October 24, 2006
6. The above-captioned application is not subject to a terminal disclaimer.
7. Applicant has not failed to engage in reasonable efforts to conclude processing or examination of the pending application.

Remarks

The 675 days Patent Term Adjustment (PTA) indicated on the face of the Patent appears to refer to the number of days that the Patent issued after three years of pendency in the USPTO. However, the PTA ignores 37 C.F.R. (a) (1), i.e., the number of days beyond 14 months that it took for the USPTO to mail a first Office Action, which was 346 days beyond 14 months after filing the application.

Thus, the Patentee hereby requests that the PTA be corrected by an additional 346 days, to a total of 1,021 days. The Office is authorized to charge any requisite fee for this paper to our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: December 18, 2006

By: /Ross Dannenberg/

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